

REMARKS

This Amendment is filed in response to the Non-Final Office Action dated October 12, 2007.

The Office Action indicated that claim 1 is objected for informalities and claims 1-14 were rejected as being unpatentable over U.S. 6,372,343 in view of U.S. 6,593,447.

The amendments herein and how they respond to the objections and rejections set forth in the Office Action are explained below in detail.

In the present Amendment, claim 1 has been amended to correct typographical errors and to incorporate the subject matter of claim 8. Accordingly, claim 8 has been canceled.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1-7 and 9-15 will be all the claims pending in the application.

The subject matter of the present claims are drawn to a polyester fiber structure having polyester fibers comprising a polyester polymer as a major component. The present invention is further characterized by the following features.

Feature (I): The polyester fiber structure comprises at least one type of structure selected from the group consisting of:

- (1) nonwoven fabrics comprising said polyester fibers,
- (2) waddings comprising said polyester fibers, and
- (3) staple fiber structures comprising (i) main fibers consisting of polyester staple fibers and (ii) thermal bonding conjugate staple fibers comprising a heat-sealing polymer and a fiber-forming thermoplastic polymer, and having a thickness of 5 to 100 mm, which heat-sealing polymer is

exposed on the surfaces of the thermal bonding conjugated staple fibers, and said polyester polymer comprises said main fibers and/or thermal bonding conjugate staple fibers.

Feature (II): The polyester polymer is obtained by polycondensation of an aromatic dicarboxylate ester in the presence of a catalyst as defined in claim 1.

The combination of Feature (I) and Feature (II) enables the resulting polyester fiber structure to exhibit good color tone and excellent quality.

I. Response to Rejection Under 35 U.S.C. § 103(a)

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,372,343 to Yamada et al. ("Yamada") in view of U.S. 6,593,447 to Yamamoto ("Yamamoto").

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Yamamoto as applied to claims 1-14, and further in view of U.S. 5,096,722 to Blair ("Blair").

Applicants traverse the merits of the rejection and respectfully request withdrawal of the rejection in view of the following remarks.

Yamada (U.S. 6,372,343)

Yamada discloses a fiber structure comprising crimped polytrimethylene terephthalate-based polyester fibers and heat-bonding conjugate staple fibers in a weight ratio of from 30:70 to 95:5.

Yamada, however, does not teach or suggest the specific polycondensation catalyst as described in Feature II above and, further, as recited in claim 1 of the present application. Thus, Yamada does not teach or suggest the nonwoven fabric comprising the specific polyester fibers, the

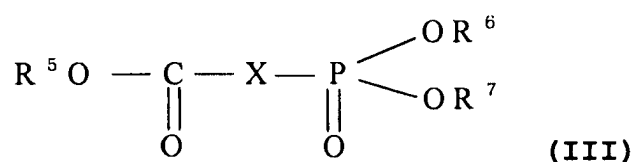
waddings comprising the specific polyester fibers and the staple fiber structures comprising the specific polyester fibers and thermal bonding conjugate fibers, wherein the specific polyester fibers comprises the polyester polymer produced by using the specific catalyst as recited in claim 1 of the present application. Therefore, Yamada does not teach or suggest the specific advantage of the present invention as described in Feature II. Thus, claim 1 is patentable over Yamada.

Claims 2-7 and 9-15 depend from claim 1 and are patentable over Yamada for at least the above-mentioned reasons. Accordingly, Applicants respectfully request withdrawal of the rejection for the reasons explained above.

Yamamoto (U.S. 6,593,447)

Yamamoto discloses a polyester polymer produced by polymerizing an alkeneglycol ester of an aromatic dicarboxylic acid or an oligomer thereof, in the presence of a catalyst which is a reaction product of a titanium compound component with a phosphorus compound component.

The phosphorus compound component comprises a phosphoric acid compound of the formula (III):



wherein R² represents an unsubstituted or substituted C₆-C₂₀ aryl group or C₁-C₂₀ alkyl group.

Relevantly, the phosphorus compound of the formula (III) of Yamamoto may represent a C₆-C₂₀ aryl group or C₁-C₂₀ alkyl phosphonic acid, which is clearly distinguishable from the phosphorus compound of the formula (V) recited in claim 1 of the present application. Formula (V) as recited in claim 1 represents a mono- or di- C₁-C₂₀ alkyl or C₅-C₂₀ aryl phosphate. Also, the phosphorus

compound of the formula (III) of Yamamoto is further distinguishable from the phosphorus compound of the formula (III) of present claim 1 of the present application, which is drawn to a di-C₁-C₄ alkyl ester of a carboalkoxy-methane or phenylmethane-phosphonic acid, the specific polycondensation catalyst of the present invention described in feature (II).

Accordingly, Yamamoto does not teach or suggest the specific polycondensation catalyst of the present invention (Feature (II)). Also, Yamamoto does not teach or suggest the advantages of feature (1) of the present invention. Thus, claim 1 is patentable over Yamamoto.

Claims 2-7 and 9-15 depend from claim 1 and are patentable over Yamamoto for at least the above-mentioned reasons. Accordingly, Applicants further respectfully request withdrawal of the rejection for the reasons explained above.

Bair (US 5,096,722)

Bair discloses a microwavable food package having a transparent film portion, for containing food resting on a grease-absorbing pad which pad consists essentially of a needle-punched polyester staple fiber core layer and a porous outer layer.

Bair neither teaches or suggests the combination of Feature (I) and Feature (II), nor the specific advantages of the present invention. Thus, claim 15 is patentable over Bair. Accordingly, Applicants respectfully request withdrawal of this rejection.

None of the cited references teach Feature (I) of the present invention. Accordingly, the references alone or in combination do not render the claims of the present invention obvious. Withdrawal of all prior art rejections is submitted to be proper.

II. Response to Nonstatutory Double Patenting Rejection

Claims 1-7 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 7,087,299.

Claims 1-6 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 and 20-21 of U.S. Patent No. 7,189,797 in view of Yamada et al. (U.S. 6,372,343) and further in view of Yamamoto (U.S. 6,593,447).

Applicants traverse in view of the following remarks.

Neither US Patent No. 7,087,299 nor US Patent No. 7,189,797 disclose or suggest the advantages described in Feature (I) of the present invention; therefore the present claims distinguish over and would not have been obvious in view of the cited patents. Accordingly, Applicants respectfully submit that these obviousness type double-patenting rejections should be withdrawn.

III. Response to Provisional Non-statutory Double Patenting Rejection

Claims 1-6 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/542,373.

Claims 1-6 were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of co-pending Application No. 10/535,419.


Claims 1-6 were furthermore provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of co-pending Application No. 10/540,880.

Applicants respectfully request that the Examiner hold these provisional rejections in abeyance until allowable subject matter is indicated in one of the applications.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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